

### **REMARKS/ARGUMENTS**

Prior to this Amendment, claims 4-10 were pending in the application.

Independent claim 4 is amended to include limitations similar to that of allowable claim 9. Claims 12-14, which depend from claim 4, are added to provide protection for additional features of the invention. No new matter is added with support being found in original claim 9 and in Figure 1 (and associated portions of Applicant's specification such as in paragraph [0020]).

Independent claim 9 is amended to more definitely claim the subject matter of an embodiment of the invention. Dependent claim 10 is amended to more clearly and further limit the apparatus of claim 9. New claim 11, which depends from claim 9, is added to protect another feature of the invention. No new matter is added with claim 11 as support is found at least in the last sentence of paragraph [0022].

New independent claim 15 and claims 16-18, which depend from claim 15, are added to provide further protection for Applicant's invention. No new matter is added with support being found in Applicant's Figure 1 (and associated portions of the specification).

After entry of the Amendment, claims 4-18 are presented in the application for consideration by the Examiner.

### **Allowable Subject Matter**

In the April 4, 2005 Office Action, claims 9 and 10 were found to be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph.

In response, claim 9 is amended to address the indefiniteness rejection of independent claim 9. As a result, claim 9 and claim 10, which depends from claim 9, are believed in condition for allowance.

Similarly, independent claim 4 is amended to include the subject matter of claim 9 found allowable over the cited art by the Examiner. As a result, claim 4 and

claims 5-8 and 12-14, which depend from claim 4, are believed in condition for allowance.

New claims 15-18 also include the liquid level tube limitations that were found to be allowable over the cited references, and these new claims are believed in condition for allowance.

#### **Objections to the Specification**

The Office Action noted a number of informalities in Applicant's specification. The specification is amended to correct these typographical errors and other informalities.

#### **Claim Rejections Under 35 U.S.C. §112**

Additionally, in the Office Action, claims 9 and 10 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. These claims are amended to address this rejection and place the claims in condition for allowance.

#### **Rejection of Claims Under 35 U.S.C. §102**

The Office Action also rejected claims 4-8 under 35 U.S.C. 102(b) as being anticipated by either U.S. Patent No. ("Nurmi") or U.S. Patent No. ("Partus"). This rejection is traversed based on the following remarks.

Independent claim 4 is amended to include the subject matter of claim 9 that was indicated by the Examiner to be allowable over Nurmi and Partus. Specifically, claim 4 as amended calls an apparatus with a control means having "a liquid level tube extending through a bottom of the bubbler into the bubbler interior such that a top of the liquid level tube is positioned at a predetermined height to achieve, during refilling of the bubbler, a head pressure in the bubbler interior such that the top of the liquid level tube and an upper surface of the reagent substantially coincide." Neither Nurmi nor Partus teach or suggest this limitation of claim 4. As a result, claim 4 and claims 5-8, which depend from claim 4, are not anticipated by these two references, and Applicant respectfully requests that the rejection of claims 4-8 be withdrawn.

**Conclusions**

Based on the above discussion, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

A check is provided for the fee associated with a one-month extension of time in filing this Amendment, and no other fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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